

Notice of Allowability

Application No.

09/863,010

Examiner

Yogesh C. Garg

Applicant(s)

WHITEHEAD, CLAY T.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interview on 10/14/2008 & Amendment filed 9/4/2008.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7-9,12,14-16 and 18-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>10/14/2008</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Yogesh C Garg/
Primary Examiner, Art Unit 3625

DETAILED ACTION

1. The applicant's amendment filed 9/4/2008 is entered. Claim 3 is currently canceled and claims 1, 14, 21-22 are amended. Claims 6, 10-11, 13 and 17 were previously withdrawn. Claims 1-2, 4-5, 7-9, 12, 14-16, 18-21 are pending for examination.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Alan M. Kagen on 10/14/2008.

The application has been amended as follows:

1. (Currently Amended) A computer-implemented method of administering consumer items over a global network, the method comprising:

(a) a user compiling a user profile relating to desired consumer items, via a user computer, the user profile being compiled according to parameters entered by the user via the user computer;

(b) the user computer accessing via the global network a database of items available from product and service providers stored on a system server,

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and identifying relevant items according to the user profile, the relevant items being those that most benefit the user cost-wise;

(c) providing the user with an option selectable via the user computer to incorporate in the user profile an automatic best choice service;

(d) if the user profile incorporates the automatic best choice service, the system server automatically accepting the relevant items without user intervention, and communicating the accepted relevant items to the user; and

(e) if the user profile does not incorporate the automatic best choice service, the system server communicating the relevant items to the user, and enabling the user to selectively accept the relevant items.

6. (Cancelled)

10. (Cancelled)

11. (Cancelled)

13. (Cancelled)

14. (Currently Amended) A computer-implemented method of obtaining and maintaining consumer items including products and services at a lowest available cost over a global network, the method comprising:

(a) a user compiling a user profile according to a pattern of customer use and user- entered parameters, via a user computer, the user-entered parameters being entered via the user computer;

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(b) a system server maintaining a database of items available from product and service providers;

(c) the user computer accessing the database of items via the global network and identifying relevant items according to the user profile, the relevant items being those that most benefit the user cost-wise;

(d) providing the user with an option selectable via the user computer to incorporate in the user profile an automatic best choice service;

(e) if the user profile incorporates the automatic best choice service, the system server automatically accepting the relevant items without user intervention, and communicating the accepted relevant items to the user; and

(f) if the user profile does not incorporate the automatic best choice service, the system server communicating the relevant items to the user, and enabling the user to selectively accept the relevant items.

17. (Cancelled)

21. (Currently Amended) A computer system for administering consumer items, the computer system comprising:

at least one user computer running a computer program that compiles a user profile relating to desired consumer items and accesses a database of items available from product and service providers, the computer program identifying relevant items according to the user profile, the relevant items being those that

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most benefit the user cost-wise, wherein the user profile is compiled according to parameters entered by the user via the user computer; and

a system server running a server program, the at least one user computer and the system server being interconnected by a computer network, the system server maintaining at least a portion of the database of available items, providing the user with an option selectable via the user computer to incorporate in the user profile an automatic best choice service, and effecting acceptance of the relevant items according to user preferences,

wherein if the user profile incorporates the automatic best choice service, the computer program automatically accepting the relevant items without user intervention, and communicating the accepted relevant items to the user, and

wherein if the user profile does not incorporate the automatic best choice service, the computer program communicating the relevant items to the user, and enabling the user to selectively accept the relevant items.

22. (Currently Amended) A computer program embodied on a computer-readable medium for administering consumer items via a user computer, the computer program comprising:

means for compiling a user profile relating to desired consumer items based at least on user-entered parameters, entered via the user computer;

means for accessing a database of items available from product and service providers, for identifying relevant items according to the user profile, and for providing the user with an option selectable via the user computer to

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incorporate in the user profile an automatic best choice service, the relevant items being those that most benefit the user cost-wise;

wherein if the user profile incorporates the automatic best choice service, means for automatically accepting the relevant items without user intervention, and for communicating the accepted relevant items to the user; and

if the user profile does not incorporate the automatic best choice service, means for communicating the relevant items to the user, and for enabling the user to selectively accept the relevant items.

3. The following is an examiner's statement of reasons for allowance:

Claims 1-2, 4-5, 7-9, 12, 14-16, 18-22 are allowed out of which claims 1, 14, 21 and 22 are independent claims.

Referring claim 1, the prior art of record, alone or combined, does not teach or render obvious a computer-implemented method of administering consumer items over a global network, the method comprising, inter alia, a user compiling a user profile relating to desired consumer items by compiling according to parameters entered by the user via the user computer, the user computer accessing via the global network a database of items available from product and service providers stored on a system server, and identifying relevant items according to the user profile, the relevant items being those that most benefit the user cost-wise, providing the user with an option selectable via the user computer to incorporate in the user profile an automatic best choice service,

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if the user profile incorporates the automatic best choice service, the system server automatically accepting the relevant items without user intervention, and communicating the accepted relevant items to the user, and if the user profile does not incorporate the automatic best choice service, the system server communicating the relevant items to the user, and enabling the user to selectively accept the relevant items.

Since the limitations of the other three independent claims 14, 21 and 22 are closely parallel to the limitations recited in claim 1 the reasons for allowance for claims 14, 21-22 are similar as set forth for claim 1 above. The reasons for allowance for all dependent claims are also same as set forth for claim 1 above.

The applicant's arguments, filed 9/4/2008, see pages 7-9, are persuasive and compelling that the prior art cited U.S. Published Patent Application No. 2001/0014868 to Herz et al. in view of U.S. Published Patent Application No. 2002/0033416 to Gerszberg et al. and U.S. Published Patent Application No. 2002/0026363 to Dunaway, Jr. , , alone or combined, does not teach or render obvious the limitations recited in claim 1.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex/Hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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